

Di cond. c. a support pivot means attached to the support arm means, wherein the pivot and clamping means, the support arm means, and the support pivot means work in cooperation for plurality of position adjustments; and

d. a base unit attached to the support pivot means, wherein the base unit provides sufficient mechanical stability for the flat panel display assembly and elements (a) - (c), when resting on a roughly horizontal surface of a desk or table.

REMARKS

Judicially Created Doctrine Obviousness Type of Double Patenting

The examiner provisionally rejected Claims 24-31 under the judicially created doctrine of obviousness-type double patenting over claims 1, 3, 4, 8, 9, 12, 13, 14, and 18 of the applicant's copending Application No. 08/288,882, which is now Patent No. 5,668,570.

37 CFR 1.75(b) states: "More than one claim may be presented *provided they differ substantially from each other* and are not unduly multiplied" (emphasis added). MPEP 706.03(k) states:

"However, court decisions have confirmed applicant's right to restate (i.e., by plural claiming) the invention in a reasonable number of ways. Indeed a mere differences in scope between claims has been held to be enough."

In view of Ex parte Primich [151 U.S.P.Q. (BNA 737 (bd. App. 1966)] a claim that adds, subtracts or changes one small feature from every other claim should not be rejected as a duplicate claim. According to case law, reciting a claim element using a different term, using a more or less generic expression for the element is accepted as an adequate difference.

In Table 1, independent Claims 1, 4, 13, of the '570 patent of Ditzik compared directly compared with independent Claims 24, 27, and 28. Applicant admits that there are